



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/570,664

09/22/2006

Markus Haberstroh

HABE3001/JEK

1238

23364 7590 03/17/2008

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

JOERGER, KAITLIN S

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/570,664	Applicant(s) HABERSTROH, MARKUS	
	Examiner KAITLIN S. JOERGER	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 6, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/5/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmeister et al. in view of Mitzel.

Regarding claim 1, Schirmeister et al. teaches an apparatus for processing sheet material, comprising: a transport path, 12, a checking device, 15 and 16, for checking the sheet material with components lying opposite each other along the transport path, see figure 2, a conveyor belt, 30, and opposite thereto, transport devices, 29, and 25, for holding and guiding the sheet material, wherein the conveyor belt, 30, with the help of at least one deflection roller, 28, is led away from the transport path before the checking device, so that the sheet material in the sensing region of the checking device is without guidance by conveyor belt, and clamping rings, which are disposed coaxial to the at least one deflection roller, see figure 5, disposed in transport direction before the checking device and project over the conveyor belt, see figure 5, wherein the transport devices, 29 and 25, lying opposite the conveyor belt cooperate with the clamping rings in order to grasp sheet material guided in the transport path and to guide it through between the two components of the checking device, characterized in that by the cooperation of the transport devices with the clamping rings the sheet material is led through between the two components of the checking device, see figure 2.

Schirrmeister et al. does not teach a guide plate for supporting this process, but Mitzel does. Mitzel teaches an apparatus for processing sheet material comprising a conveyor belt, transport devices, and a guide plate, 40. It would have been obvious to one of ordinary skill in the art to combine the guide plate of Mitzel with the sheet processing apparatus of Schirrmeister et al., to achieve the predictable result of supporting the sheet material as it passes by the checking device and through the gap in the conveyor belts.

Regarding claim 2, Schirrmeister et al. teaches that the conveyor belt is led around checking devices with the help of at least one deflection roller, 28, see figure 2.

Regarding claim 3, Schirrmeister et al. teaches that the clamping rings at least along their outside circumference consist of elastic material, see column 3, lines 55+.

Regarding claim 4, Schirrmeister et al. teaches that the circumference of the clamping rings slightly overlaps the circumference of the transport device cooperating with them, see figure 5.

Regarding claim 5, Schirrmeister et al. teaches that the clamping rings and the deflection roller are disposed on a common shaft, see figure 5.

Regarding claim 7, Schirrmeister teaches that the clamping rings are rigidly connected to each, see figure 5.

Regarding claim 10, Schirrmeister et al. teaches that the transport device lying opposite the conveyor belt are transport rollers, 25 and 26, in transport direction spaced apart from each other, see figure 7.

Regarding claim 11, Schirrmeister et al. teaches that the transport devices lying opposite the conveyor belt also comprise a conveyor belt, 29, which is led away from the transport path before the checking device with the help of at least one deflection roller, se figure 2.

Allowable Subject Matter

Claims 6, 8, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAITLIN S. JOERGER whose telephone number is (571)272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kaitlin S Joerger
Primary Examiner
Art Unit 3653

11 March 2008

/Kaitlin S Joerger/
Primary Examiner, Art Unit 3653